

020204
16558

Customer No. 26308

Docket No. 4285.17830

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PTO
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22581 US PTO
10/770356
020204

NEW APPLICATION TRANSMITTAL Under 37 CFR § 1.53(b)

Transmitted herewith for filing is the patent application of

Inventor(s): **Gary J. Pond****WARNING:** 37 C.F.R. § 1.41(a)(1) points out:

'(a) A patent is applied for in the name or names of the actual inventor or inventors.

- (1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(c). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors.

For (title): **Apparatus and Method for Treating Tooth Root Canals****26308**

PATENT TRADEMARK OFFICE

1. Type of Application

This new application is for a(n)

- Original (nonprovisional)
 Design
 Plant

NOTE: If one of the following 3 items apply then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- Divisional.
 Continuation.
 Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

- The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

CERTIFICATION UNDER 37 C.F.R. 1.10*

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 2 February 2004, in an envelope as 'Express Mail Post Office to Addressee' mailing Label Number EV 318692923 US, addressed as follows: Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Julie A. Wolf
(type or print name of person mailing paper)

Julie A. Wolf
Signature of person mailing paper

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 Design Application

<u>18</u>	Pages of specification
<u>4</u>	Pages of claims
<u>1</u>	Abstract
<u>11</u>	Sheets of drawing
[X]	formal
[]	informal

B. Other documents enclosed: _____

4. Additional papers enclosed

- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

5. Declaration or oath

- Enclosed
 - newly executed
 - copy from parent application identified above
- Executed by (*check all applicable boxes*)
 - inventor(s).
 - legal representative of inventor(s).
 - joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See Item 13 below for fee.
- Not Enclosed.
- Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

6. Inventorship Statement

The inventorship for all the claims in this application are:

- The same.
- Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
 - is submitted.
 - will be submitted.

7. Language

English

Non-English

The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. Assignment

An assignment of the Invention to _____

is attached. A separate COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION or FORM PTO 1595 is also attached.

will follow.

was filed in the parent application identified above

9. CERTIFIED COPY

Certified copy(ies) of application(s)

Country	Appln. No.	Filed

from which priority is claimed

is (are) attached.

will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

10. Fee Calculation (37 C.F.R. 1.16)

A. Regular application

CLAIMS AS FILED					
	Number Filed	Number Included in Basic Fee	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims 37 CFR 1.16(c)	22	-20 =	2	x \$ 18.00	\$36
Independent Claims (37 CFR 1.16(b))	6	-3 =	3	x \$ 86.00	\$258
Multiple Dependent claim(s) if any (37 CFR 1.16(d))	1			\$290.00	\$290
FILING FEE CALCULATION					\$1,354

Amendment cancelling extra claims enclosed.

Amendment deleting multiple-dependencies enclosed.

Fee for extra claims is not being paid at this time.

Filing Fee Calculation

\$1,354.00

- B. Design application
(\$340.00 - 37 CFR 1.16(f))
Filing Fee Calculation _____
- C. Plant application
(\$530.00 - 37 CFR 1.16(g))
Filing Fee Calculation _____

11. Small Entity Statement

- The applicant is a Small Entity as defined by 37 CFR 1.9 and 1.27 and is entitled to small entity status.
- Small Entity Filing Fee: \$677.00

12. Fee Payment Being Made at This Time

- Not Enclosed
 No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)
- Enclosed
- | | |
|--|-------|
| <input type="checkbox"/> Filing fee | _____ |
| <input type="checkbox"/> Recording assignment
(\$40.00; 37 C.F.R. 1.21(h)) | _____ |
| <input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached
(\$130.00; 37 C.F.R. 1.47 and 1.17(i)) | _____ |
| <input type="checkbox"/> For processing an application with a specification in a non-English language
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) | _____ |
| <input type="checkbox"/> Processing and retention fee
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) | _____ |
| <input type="checkbox"/> Fee for international-type search report
(\$40.00; 37 C.F.R. 1.21(e)) | _____ |

Total fees enclosed

\$0.00

13. Method of Payment of Fees

- Check in the amount of \$_____.
- Charge Account No. _____ in the amount of _____.
A duplicate of this transmittal is attached.

14. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No._____
- 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
- 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. §§ 1.17(a)(1-5) (extension fees pursuant to § 1.136(a)).
- 37 C.F.R. 1.17 (application processing fees)
- 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

15. **Instructions as to Overpayment**

- Credit Account No. _____
 Refund

Reg. No. 50,295

Tel. No.: (262) 783 - 1300

Customer No.: 26308

Patricia A. Limbach
SIGNATURE OF PRACTITIONER
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(type or print name of attorney)
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(P.O. Address)
Post Office Box 26618
MILWAUKEE, WISCONSIN 53226

Statement Where Additional Pages are Added

- Plus Added Page for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Statement Where No Further Pages Added

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

- This transmittal ends with this page.